



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/682,997	07/18/1996	MOTOHIRO ISHIKAWA	B208-837	9770

26272 7590 09/24/2003

ROBIN BLECKER & DALEY
2ND FLOOR
330 MADISON AVENUE
NEW YORK, NY 10017

EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
----------	--------------

2613

38

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/682,997

Applicant(s)

ISHIKAWA ET AL.

Examiner

Andy S. Rao

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2613

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed with respect claims 29-38 as in Paper 37 on 6/17/03 have been fully considered but they are not persuasive.
2. Claims 29-38 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Takizawa et al., (hereinafter referred to as "Takizawa") in view of Lightbody et al., (hereinafter referred to as "Lightbody"), as was previously set forth in the Office Action of Paper 36 on 3/19/03.
3. The Applicant's present two arguments contending the Examiner's rejection of claims 29-38 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Takizawa et al., (hereinafter referred to as "Takizawa") in view of Lightbody et al., (hereinafter referred to as "Lightbody"), as was previously set forth in the Office Action of Paper 36 on 3/19/03. However, after a careful consideration of the arguments, the Examiner must respectfully disagree for the reasons that follow.

After summarizing the instant invention as embodied by the current scope of the claims (Paper 36: page 5, lines 1-18; page 6, lines 1-5), and then reviewing the Examiner's use of Takizawa (Paper 36: page 6, lines 4-17), the Applicants assert that the camera includes "...a device recognition memory for storing device recognition attribute information and an associated interface..." as in the claims (Paper 36: page 7, lines 1-5 and 10-15). The Examiner respectfully disagrees, noting that in downloading an upgraded DSP program from the external source the external device supplementary data to the external device from the DSP memory. It is submitted that the supplementary data sent to the external device from the DSP is device attribute

Art Unit: 2613

recognition information (Takizawa: column 2, lines 1-10), and that the upgraded program is send back down to the camera in accordance with the recognized attributes of the image pickup device (Takizawa: column 4, lines 50-67) which is done through the interface of the communication circuit (Takizawa: column 4, lines 37-41). Furthermore, since the downloaded DSP program “matches” the image processing functions of the camera (Takizawa: column 5, lines 9-12), the image pickup device attributes have been recognized by the external device for this process to be correctly implemented. Also, it is noted that just by the configuration of the camera switches for specific operating modes, this also constitutes a device recognition attribute information memory, which when hooked to the external device will configure the image pickup apparatus to receive the appropriate programs for image processing from the external device (Takizawa: column 4, lines 58-68). Accordingly, the Examiner maintains that this limitation is met.

Secondly, the Applicant argues that the “color of a digital image signal...” is not addressed by the Takizawa reference as in the claims (Paper 37: page 7, lines 6-12). However, Takizawa, even though does discloses a controlling image processing with color preprocessing like gamma correction (Takizawa: column 5, lines 5-10), it is noted that Lightbody was called upon to explicitly address this limitation. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Likewise, with regards Lightbody (Paper 37: page 7, lines 14-19), since the Examiner has already shown that Takizawa meets the “device recognition attribute information”, Lightbody does not need to show this limitation.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-4700.

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY RAO
PRIMARY EXAMINER

Application/Control Number: 08/682,997

Page 5

Art Unit: 2613

asr

September 17, 2003